

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:20-cv-23221-KMM

DREIJAH J. MUHAMMAD-ALI,

Petitioner,

v.

“11TH CIR. U.S. DISTRICT [30303],” et al.,

ET AL.,

Respondents.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Petitioner Dreijah J. Muhammad-Ali’s *pro se* Petition for Writ of Habeas Corpus. (“Pet.”) (ECF No. 1).¹ The matter was referred to the Honorable Lisette M. Reid, United States Magistrate Judge, who issued a Report and Recommendation recommending that Petitioner’s Petition be TRANSFERRED to the United States District Court for the Middle District of Alabama. (“R&R”) (ECF No. 5). Petitioner filed objections. (“Objs.”) (ECF No. 6). The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). A *de novo* review is therefore required if a party files “a proper, specific objection” to a factual finding contained in the report. *Macort v. Prem*,

¹ In the Petition, Petitioner does not identify whether he files the Petition under 28 U.S.C. 2241 or 2254. Nevertheless, it is immaterial under which section Petitioner filed the Petition because, as set forth herein, the Court finds that it does not have jurisdiction to consider the Petition.

Inc., 208 F. App'x 781, 784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general objection to the report” to warrant *de novo* review. *Id.*

As set forth in the R&R, Magistrate Judge Reid finds that the Court does not have jurisdiction over the Petition because Petitioner is confined in Bibb County, which is located in the Middle District of Alabama. R&R at 2. Accordingly, Magistrate Judge Reid recommends transferring the Petition to the Middle District of Alabama.

“[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) “Whenever a civil action is filed in a court . . . and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court . . . in which the action or appeal could have been brought.” 28 U.S.C. § 1631. Transfer under § 1631 can be initiated *sua sponte*. *Brentwood Inv., LLC v. Stanley*, No. 6:13-cv-1635-Orl-22KRS, 2014 WL 12726559, at *4 (M.D. Fla. Feb. 19, 2014) (citing *Trujillo v. Williams*, 465 F.3d 1210, 1222 (10th Cir. 2006)).

Petitioner's objections are largely incoherent and not relevant to the question of whether the Court has jurisdiction to consider his Petition. *See generally* Objs. Indeed, Petitioner does not specifically object to any of Magistrate Judge Reid's findings or conclusions. *See generally id.* Accordingly, a *de novo* review of Magistrate Judge Reid's R&R is not warranted because Petitioner does not make a “proper, specific objection” to any of Magistrate Judge Reid's findings. *See Macort*, 208 F. App'x at 784. Therefore, the Court agrees with Magistrate Judge Reid's finding that the Court does not have jurisdiction to consider the Petition. Moreover, the Court agrees with Magistrate Judge Reid's recommendation that the Court transfer this matter to the Middle District of Alabama.

UPON CONSIDERATION of the Petition, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 5) is ADOPTED. The Clerk of the Court is DIRECTED to TRANSFER this action to the United States District Court for the Middle District of Alabama. The Clerk of Court is instructed to CLOSE this case. All pending motions, if any, are DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 1st day of October, 2020.



K. MICHAEL MOORE

CHIEF UNITED STATES DISTRICT JUDGE

c: All counsel of record